

M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered October 6, 2016.

(Deleted material is struck through and new material is underscored.)

Effective November 1, 2016, Illinois Supreme Court Rule 941 is amended as follows, and Illinois Supreme Court Rule 943 is adopted.

Amended Rule 941

Rule 941. General Provisions

In addition to the rules in part A of this article, the rules in this part C shall apply to child custody proceedings filed under articles II, III, and IV of the Juvenile Court Act of 1987 and all juvenile delinquency proceedings filed under article V of the Juvenile Court Act of 1987.

Adopted February 10, 2006, effective July 1, 2006; amended Oct. 6, 2016; eff. Nov. 1, 2016.

New Rule 943

Rule 943. Use of Restraints on a Minor in Delinquency Proceedings Arising Under the Juvenile Court Act

(a) Instruments of restraint shall not be used on a minor during a court proceeding unless the court finds, after a hearing, that the use of restraints is necessary for one or more of the following reasons:

(1) Instruments of restraint are necessary to prevent physical harm to the minor or another person; or

(2) The minor has a history of disruptive behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on himself or herself or others as evidenced by recent behavior; or

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SUPREME COURT
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(3) There is a well-founded belief that the minor presents a substantial risk of flight from the courtroom;

and there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the minor or another person, including, but not limited to, the presence of court personnel, law enforcement officers, or bailiffs.

(b) The court must provide the minor's attorney an opportunity to be heard before the court orders the use of restraints. If restraints are ordered, the court shall enter an order setting forth its findings of fact.

(c) Any restraints authorized under this rule must be the least restrictive restraints necessary and must allow the minor limited movement of the hands to read and handle documents and writings necessary to the hearing. Under no circumstances, should a minor be restrained to another minor, wall, the floor, or furniture while in the courtroom.

(d) For purposes of this rule:

(1) "Instruments of restraint" and "restraints" are handcuffs, leg shackles, leg irons, belly belts, belly chains, or other restraint devices used to restrict a minor's free movement of limbs or appendages, including those made of cloth and leather; and

(2) A "minor" is an individual under the jurisdiction of the juvenile court, as provided in Article V of the Illinois Juvenile Court Act.

Adopted Oct. 6, 2016; eff. Nov. 1, 2016.

Committee Comments

(Oct. 6, 2016)

This rule is not intended to limit the court's inherent authority to control its courtroom and/or ensure the integrity of the proceedings are maintained in the event of disruptive behavior by the minor during the proceedings.